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## Remarks

The present response is to the Office Action mailed in the above-referenced case on April 16, 2007. Claims 43-51 are presented for examination. Claims 43-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Huck (US 6,985,576).

In response to the Examiner's rejections and comments, applicant herein responds to the Examiner's "Response to Arguments" portion of the current Office Action and adds dependent claims to recite the IM server is in the network. The independent claims are amended to clarify that IM messages are received from clients via IM servers to request communication with an agent.

Regarding the 102(e) rejection of applicant's independent claims 43, 46 and 49, the Examiner kindly responds to applicant's previously presented arguments with an extensive "Response to Arguments" portion of the Office Action. The Examiner addresses the argument made by applicant stating; "Applicant argues that Huck actually fails to teach an Instant Message sever as disclosed in applicant's invention. As mentioned before, IM is a specific protocol that is different for each provider and the capability must exist at the server and the same capability and additional skill must also be present at the agent station. The Web server of Huck merely teaches Internet Protocol and CHAT as known in the art and cannot read on the IM server, as claimed."

The Examiner responds by stating; "A. First of all, Examiner would like to note the following statement presented by the Applicant on page 5 for the resolution of 35 U.S.C. §112 rejection:

"Applicant points out that the sender and receiver of actual IM protocols must have matching software and capabilities installed on each others machine to enable accurate IM communication."

And as such, Examiner understands that the IM protocols are those protocols that facilitate the IM communication when the sender and receiver has matching IM protocols installed on each others machine.

Also, quoting the specifications for explaining "different IM service", as part of

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arguments, for showing it's relevancy to the claim limitations, Applicant is reminded that "It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. Constant v. Advanced Micro-Devices Inc., 7 USPQ2d 1064."

Applicant responds by pointing out to the Examiner that IM protocol is known in the art and applicant believes it is reasonable for the Examiner to apply the known definition of IM further than what the applicant stated in a limited response to a 112 rejection in the last response filed by applicant. Applicant points out that Instant messaging is a peer to peer application wherein each peer or user has an instance of the same brand of IM software on each computer. IM software is issued by different providers such as Yahoo! Messenger, MSN, and AIM. A user with Yahoo! Messenger installed on their computer, for example, would not be able to IM with a user with AIM installed on their computer. Chat, as generally known in the art is hosted by a server and each user logs into the server to commence communication wherein each user may view a common text window. Applicant points out that that IM and Chat are not the same protocol, they are known protocols in the art and should be afforded that understanding when recited in the claims. Applicant should not have to specifically define words in the English language in the claims that have known definitions. Further, applicant believes it is inappropriate for the Examiner to lump Chat and IM protocols together when applying the 102 rejection.

Applicant argues that; "the art of Huck fails to teach a set of routing rules for the communication center; and stored agent data for the communication center, the data including agent availability and IM capability relative to one or more IM protocols; wherein the system consults the communication center routing rules, IM protocol capabilities and the stored agent data to determine an available agent with the needed IM capability, and establishes IM communication between the specific clients and the agent determined to be available and to have the needed IM protocol capability. Huck merely teaches receiving a request, broadcasting the fact of a received message to agents on a network, receiving responses from the agents and determining an agent based upon the

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responses received. Huck specifically teaches away from applicant's ability to track agent IM protocol capability and availability, as claimed.

Applicant specifically teaches that the IM server consults the communication center routing rules, IM protocol capabilities and the stored agent data to determine an available agent with the needed IM capability, and establishes IM communication between the specific clients and the agent determined to be available and to have the needed IM protocol capability. Applicant argues that the limitations as recited in applicant's independent claims, as amended, are clearly not shown in the art of Huck. Huck may serve a similar problem with different types of communication protocols, but in an entirely different manner than that as claimed, therefore the 102 rejection fails.

The Examiner responds to the above arguments (emphasis added) stating; "a. Huck teaches at col. 5, line 42-65, "This is illustrated in FIG. 1 by client machine 24. Collaboration is known in the art, and can include a chat session, but also includes the ability for the agent 38, 40, 42, 44, or 46 to "guide" the user through various web sites in real-time. With web collaboration, no ANI is available. The user's e-mail address may be obtained by the server 30 by standard web "cookie" files stored on the user's client machine 24, or by user entered information, or by user's IP address if fixed and not proxied through a firewall. Note that no user identification of any kind is required, but aids an agent in determining a user's needs. The call distribution server 30 selects an agent 38, 40, 42, 44, or 46 to which to forward the collaboration request based on rules defined in the rules engine 34. Further communication between the selected agent and the user will typically be by collaboration, user of a client machine has the option of requesting a chat session. This is illustrated in FIG. 1 by client machine 26. Chat is known in the art and chat rooms are available at web sites of on-line service providers such as America Online (.TM.), for example. Much like, and often a part of collaboration, the user is able to request a real-time chat with an agent. This is also much like a voice call, simply using a different medium. The basic process is substantially similar.

Thus, it is understood that Huck teaches two proprietary IM protocols."

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Applicant simply argues that the Examiner cannot rely on the teaching of voice calls and chat communication requests to read on the IM protocols as claimed in applicant's invention.

Applicant has clarified the independent claims to read that IM messages requesting communication with agents are processed by the communication centers, as claimed. Applicant claims the IM server in the communication center receives IM messages from the two or more IM servers in the data-packet-network the IM messages representing desired communication between the specific clients of the IM servers in the data-packet-network and an agent of the communication center, consults the communication center routing rules, IM protocol capabilities and the stored agent data to determine an available agent with the needed IM protocol, and establishes IM communication between the specific clients and the agent determined to be available and to have the needed IM protocol capability.

Applicant specifically teaches that the IM server consults the communication center routing rules, IM protocol capabilities and the stored agent data to determine an available agent with the needed IM capability, and establishes IM communication between the specific clients and the agent determined to be available and to have the needed IM protocol capability. Applicant argues that the limitations as recited in applicant's independent claims, as amended, are clearly not shown in the art of Huck. Huck may serve a similar problem, but in an entirely different manner than that as claimed, therefore the 102 rejection fails.

Applicant points out that newly added claims 52-54 recite that the IM server is at the network level. The art presented by the Examiner is limited to IM servers at the communication center and fails to teach the limitations of claims 52-54.

Applicant believes claims 43, 46 and 49, as amended, are clearly patentable over the art of Huck at least as argued above. Dependent claims 44-45, 47-48 and 50-54 are patentable on their own merits, or at least as depended from a patentable claim.

Applicant respectfully requests re-examination and that the case be passed quickly

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to issue. If there are any extensions of time required beyond an extension specifically petitioned and paid with this response, such extensions are hereby requested. If there are any fees due beyond any fees paid by check with this response, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,
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